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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,892	08/29/2003	Eric Owhadi	500201991-2	9562

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EXAMINER

TRAN, TUYETLIEN T

ART UNIT	PAPER NUMBER
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2179

NOTIFICATION DATE	DELIVERY MODE
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12/10/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/652,892	Applicant(s) OWHADI ET AL.	
	Examiner TUYETLIEN T. TRAN	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to the following communication: RCE filed on 06/03/2010. **This action is made non-final.**
2. Claims 1-25 are pending in the case. Claims 1, 13-15 and 18 are independent claims.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 06/03/2010 has been entered.

Claim Objections

- ☐ Claims 14-15 are objected to because of the following informalities: it is not clear whether the limitations following the term "may be" is part of the claim limitations or not.
- ☐ Claim 5 is objected to because the term "O.S." needs to be spelled out.
- ☐ Claims 12 and 16 are objected to because the term "HTTP" needs to be spelled out.
- ☐ Claim 17 is objected to because the term "KB" needs to be spelled out.

Appropriate correction is required

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 recites the limitations "the polling element", "the technical support" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

For the purpose of examination, the examiner interprets this claim to be dependent on claim 15.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-2, 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller (Patent No. US 6742141 B1; hereinafter Miller).**

As to claim 1, Miller teaches:

A method of obtaining technical support for a data-processing device (e.g., see col. 3 lines 7-11; general services for monitoring, diagnosing and solving problem at the customer's facility), comprising initiating a support session (e.g., see Fig. 19 and col. 18 lines 43-67 and col. 5 lines 21-26; initiate an automated problem escalation) during which device-specific data is

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conveyed from the device to a support provider to assist the support provider in responding to a support query (e.g., see Fig. 19 and col. 18 lines 43-67; send state information to support center – steps 389 & 390), and polling the support provider's system to determine whether the support provider has indicated a response to the query has been made available, on a repeated and automated basis, until a response becomes available or the support session is terminated (see Fig. 19 and col. 18 lines 43-67 and col. 5 lines 30-44; the customer site software periodically checks the status of the problem escalation).

As to claim 2, Miller teaches wherein the polling is effected by a polling application obtained from the support provider (see Fig. 4 and col. 5 lines 35-44, col. 9 lines 1-19, col. 21 lines 9-14; the customer site software includes customer knowledge base 125 that is obtained from the master knowledge base 121).

As to claim 21, Miller teaches wherein a response flag is added to the support provider's system when a response becomes available and wherein the flag is detected by the polling application (see Fig. 19 and col. 5 lines 35-44 and col. 18 lines 58-67).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view Kramer et al. (US 2002/0198834 A1; hereinafter Kramer).

As to claims 3, 4, the rejection of claim 2 is incorporated. Miller does not expressly teach that the polling application, during the support session, is executed subsequent to each boot or start-up sequence of the device.

Kramer teaches the capability to enable a software to auto start after a reboot (see [0066]; ensure the execution of an application will be invoked as part of the system startup process). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the customer site software of Miller to include the feature of auto start after a reboot as taught by Kramer to achieve the claim limitations. This is because Miller's customer site software has a capability of checks the status of the problem escalation periodically (see col. 5 lines 37-44) and another capability to use the RUN Key in the registry (see col. 11 lines 35-40); having this check/polling feature executed subsequent to each start-up sequence can save the user from starting the checking process manually; thus, save the user time.

As to claim 5, the rejection of claim 3 is incorporated. Kramer further teaches in a Windows O.S. environment, a Run key located in or operatively associated with the registry of the device is used to execute the application, subsequent to each said boot or start-up

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sequence (see [0066]; RUN or RUNONCE keys of the Registry). Thus, combining Miller and Kramer would meet the claimed limitations for the same reason as discussed with respect to claim 3 above.

As to claim 6, the rejection of claim 5 is incorporated. Kramer teaches the capability to delete or remove the RUN keys from the registry upon the termination of the software application (see [0066], [0084]). Thus, combining Miller and Kramer would meet the claimed limitations for the same reason as discussed with respect to claim 3 above.

As to claim 7, the rejection of claim 6 is incorporated. Kramer teaches the application subsequently is deleted using a delete command executed in accordance with a RUN ONCE located in or operatively associated with the registry (see [0066], [0084]). Thus, combining Miller and Kramer would meet the claimed limitations for the same reason as discussed with respect to claim 3 above.

9. Claims 8-9, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Bereiter et al (Patent No. 6145096; hereinafter Bereiter).

As to claim 8, Miller teaches the limitations of claim 2 for the same reasons as set forth above. Miller teaches the support session is established using a Web connection (see col. 10 lines 61-67). Miller does not expressly teach wherein the polling application is downloaded from the support provider using an applet.

Bereiter teaches similar automatic technical support system (see Fig. 5). Bereiter teaches wherein a support session is established (e.g., step 62 or step 74 in Fig. 5) using a web connection (e.g., see Fig. 1) and wherein a polling application (e.g., the program to execute the

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steps 84 and 86 in Fig. 5) is downloaded from the support provider using an applet (e.g., col. 4 lines 45-49 and col. 8 lines 52-55).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the customer site software of Miller to include the feature of implementing the technical support using an applet as taught by Bereiter to achieve the claim limitations. This is because Miller's customer site software has a capability to run web browser (see Miller col. 9 line 1); having the customer site software implemented in Java applet would provide a convenient runtime environment for programs written as Java applets (see Bereiter col. 4 lines 39-44).

As to claim 9, Bereiter further teaches wherein the applet is operative to download a data harvester to gather the device-specific data (e.g., see col. 2 lines 38-45 and col. 4 lines 45-49). Therefore, combining Miller and Bereiter would meet the claimed limitations for the same reason as discussed with respect to claim 8 above.

As to claim 12, Bereiter further teaches wherein the polling (e.g., steps 84 and 86 in Fig. 5) is effected using HTTP (e.g., see col. 4 lines 45-49 and col. 8 lines 52-55). Therefore, combining Miller and Bereiter would meet the claimed limitations for the same reason as discussed with respect to claim 8 above.

10. Claims 10-11, 13-18 and 20, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller and Bereiter in view of Pawlan et al (Pub article 'Signed Applets, Browsers, and File Access' April-1998, pp 1-5; hereinafter Pawlan).

As to claim 13, Miller teaches:

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A method of providing asynchronous web-based active technical support from a support provider to a user of an electronic device during a support session (e.g., see col. 3 lines 7-11; general services for monitoring, diagnosing and solving problem at the customer's facility), the method comprising receiving device-specific data to assist the support provider in responding to a support query (e.g., see Fig. 19 and col. 18 lines 43-67; send state information to support center – steps 389 & 390), and dispatching a polling application operative to poll the support provider's system to determine whether the support provider has indicated a response to the query has been made available (see Fig. 19 and col. 18 lines 43-67 and col. 5 lines 30-44; the customer site software periodically checks the status of the problem escalation).

Miller does not teach notifying the user that the response has become available. However, Miller provides the capability for the support provider system to notify the customer of automatic server interaction (see Fig. 19 steps 388 and 399). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have included the step of notifying the user of the available solution so that the customer can obtain the solution as soon as possible without checking continuously (see Fig. 19 step 393 and col. 18 lines 59-67).

Miller does not teach the polling application being dispatched, from or on behalf of the support provider, in response to an instruction generated using an applet.

Bereiter teaches similar automatic technical support system (see Fig. 5). Bereiter teaches wherein a polling application (e.g., the program to execute the steps 84 and 86 in Fig. 5) is downloaded from the support provider using an applet (e.g., col. 4 lines 45-49 and col. 8 lines 52-55).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the customer site software of Miller to include the feature

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of implementing the technical support using an applet as taught by Bereiter to achieve the claim limitations. This is because Miller's customer site software has a capability to run web browser (see Miller col. 9 line 1); having the customer site software implemented in Java applet would provide a convenient runtime environment for programs written as Java applets (see Bereiter col. 4 lines 39-44).

While Bereiter teaches security must be considered for data gathering (e.g., see col. 8 lines 23-34), Miller and Bereiter do not expressly disclose a trusted applet.

Pawlan teaches for an applet to access local system resources outside the directory from which the applet is launched, the applet must be granted explicit access to those resource (e.g., see Pawlan Para 5 title 'Local File Access').

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the method of a signed applet as taught by Pawlan to the method of automated technical support in a computer network as taught by Miller and Bereiter to create a web-based active technical support that allows a trusted applet to gather and access data from a client machine. The motivation to combine Pawlan's teaching with Miller and Bereiter's teaching is to allow system data to be gathered and sent to the technical supporter automatically and still protect local files or system against un-trusted sources.

As to claim 14, Miller teaches:

A server-side technical support source comprising a web server to participate in asynchronous messaging with a client-side device (e.g., see Fig. 17), the support source being operative to supply, to the device, a polling application whereby repeated polling of the support source for a response to a support query may be effected (see Fig. 4 and col. 5 lines 35-44, col. 9 lines 1-19, col. 21 lines 9-14; the customer site software includes customer knowledge base 125 that is obtained from the master knowledge base 121).

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Miller does not expressly teach the polling application being supplied to the device using an applet.

Bereiter teaches similar automatic technical support system (see Fig. 5). Bereiter teaches wherein a polling application (e.g., the program to execute the steps 84 and 86 in Fig. 5) is downloaded from the support provider using an applet (e.g., col. 4 lines 45-49 and col. 8 lines 52-55).

Therefore, combining Miller and Bereiter would meet the claim limitations for the same reasons as set forth in claim 13 above.

While Bereiter teaches security must be considered for data gathering (e.g., see col. 8 lines 23-34), Miller and Bereiter do not expressly disclose a trusted applet.

However, this deficiency is taught by Pawlan as discussed in the rejection of claim 13 and is incorporated herein.

As to claims 15 and 18, claims 15 and 18 are directed to a software element stored on a memory of a data-processing device and a method for implementing the method steps as claimed in claim 13; therefore, is rejected under similar rationale. Including Miller teaches the polling element whereby a support provider may be polled on a repeated and automated basis (see Fig. 19 and col. 18 lines 43-67 and col. 5 lines 30-44; the customer site software periodically checks the status of the problem escalation)

As to claim 10, the rejection of claim 8 is incorporated. Pawlan teaches for an applet to access local system resources outside the directory from which the applet is launched, the applet must be granted explicit access to those resource (e.g., see Pawlan Para 5 title 'Local File Access'). Thus, combining Miller, Bereiter and Pawlan would meet the claimed limitations for the same reasons as discussed with claim 13 above.

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As to claim 11, the rejection of claim 11 is incorporated. Pawlan teaches the support provider conveys to the user a trust request, agreement to the request allowing execution of the applet (e.g., see Pawlan Para 5 title 'Local File Access'). Thus, combining Miller, Bereiter and Pawlan would meet the claimed limitations for the same reasons as discussed with claim 10 above.

As to claims 16, 20, claims 16 and 20 are in the same context as claims 12 and 9, respectively; therefore are rejected under similar rationale.

As to claim 17, the rejection of claim 16 is incorporated. Miller, Bereiter and Pawlan do not teach that the polling element has a footprint of no more than about 50 KB. However, It would have been obvious to one of ordinary skill in the art at the time the invention was made to have created a polling program as taught by Bereiter (e.g., the program to execute the steps 84 and 86 in Fig. 5) that has a data footprint of no more than about 50 KB because the polling program is a simple software component that performs the functions of querying a support provider for a response. The motivation is to allow quick download or transmit through internet connection.

As to claims 22-25, claims 22-25 are in the same context as claim 21; therefore are rejected under similar rationale.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, Bereiter and Pawlan as applied to claim 18 above and further in view of Kramer.

As to claim 19, claim 19 is in the same context as claim 3; therefore is rejected under similar rationale.

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Response to Arguments

12. Applicant's arguments filed on 06/03/2010 have been considered but are moot in view of new ground of rejection.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TuyetLien T Tran/
Examiner, Art Unit 2179